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GOOGLE INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 || OVERTURE SERVICES, INC..

Case No. C 02-01991 JSW (EDL)

13 Plaintiff and Counterdefendant,

**REQUEST TO FILE DOCUMENT
UNDER SEAL; [PROPOSED] ORDER**

14 v.

Date: August 24, 2004

Date: August 2
Time: 9:00 a.m.

Date: 9:30 a.m.
Courtroom: E, 15th Floor

15 GOOGLE INC., Date: August 24, 2004
Time: 9:00 a.m.
Courtroom: E, 15th Floor
16 Defendant and Counterclaimant. Judge: Hon. Elizabeth D. Laporte

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1 Google Inc. (“Google”) hereby submits this Request to File Documents Under Seal in
2 connection with its Reply in Support of Its Motion to Compel Production of Documents and
3 Testimony Re Prosecution of the ’361 Patent (“Reply”). Google requests that the Court allow
4 Google to file under seal the Declaration of Christine P. Sun in Support of Google’s Reply (“Sun
5 Reply Declaration).

6 **The Declaration of Christien P. Sun and Exhibit thereto**

7 The exhibits to the Sun Reply Declaration contain material that has been designated as
8 confidential by Plaintiff Overture Services, Inc. (“Overture”). Under the terms of the protective
9 order entered in this case on December 16, 2002, Google cannot file this material publicly. *See*
10 Protective Order ¶ 6.

11 In light of the foregoing, Google respectfully submits that this Request to File Documents
12 Under Seal is narrowly tailored within the meaning of Civil Local Rule 79-5. Google therefore
13 requests that the Court permit the sealing of the documents set forth above, and order that the
14 Clerk of the Court maintain them in accordance with the provisions of Local Civil Rule 79-5(e).

15 RESPECTFULLY SUBMITTED,

16 Dated: July 30, 2004

KEKER & VAN NEST, LLP

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By: /s/ Ravind S. Grewal
RAVIND S. GREWAL
Attorneys for Defendant and
Counterclaimant GOOGLE INC.

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[PROPOSED] ORDER

Pursuant to Civil Local Rules 7-10 and 79-5, Google has applied to this Court for an order permitting it to file under seal the Declaration of Christine P. Sun in connection with its Reply in Support of Its Motion to Compel Production and Testimony Re Prosecution of the '361 Patent.

GOOD CAUSE APPEARING, Google's request is granted. The Clerk is directed to maintain the following document, submitted by Google on or about July 30, 2004, in accordance with the provisions of Civil Local Rule 79-5(e):

- (1) The Declaration of Christine P. Sun in Support of Google's Reply.

IT IS SO ORDERED.

Dated: _____

HON. ELIZABETH D. LAPORTE
United States Magistrate Judge